

**MINUTES
of the
FOURTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**September 29-30 and October 1, 2014
Pueblo of Jemez, Pueblo of Zia, Pueblo of Cochiti**

The fourth meeting of the Indian Affairs Committee was called to order at 10:28 a.m. by Senator John Pinto, co-chair, on Monday, September 29, 2014, at the Community Resource Center in the Pueblo of Jemez.

Present

Rep. Sandra D. Jeff, Co-Chair (9/29, 9/30)
Sen. John Pinto, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. Sharon Clahchischilliage
Rep. James Roger Madalena
Sen. Richard C. Martinez (9/29, 9/30)
Rep. Jane E. Powdrell-Culbert
Sen. Nancy Rodriguez (9/30, 10/1)
Sen. John C. Ryan
Sen. Benny Shendo, Jr. (9/29, 9/30)

Absent

Rep. Patricia A. Lundstrom
Sen. Cliff R. Pirtle
Sen. William P. Soules

Advisory Members

Rep. Ernest H. Chavez
Sen. Carlos R. Cisneros (10/1)
Rep. Georgene Louis
Sen. Cisco McSorley (9/29, 9/30)
Rep. Patricia Roybal Caballero (9/29, 9/30)
Rep. Nick L. Salazar (9/30, 10/1)

Rep. Zachary J. Cook
Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Rep. Antonio "Moe" Maestas
Rep. Debbie A. Rodella
Sen. Clemente Sanchez

Guest Legislator

Sen. Michael Padilla (9/30)

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Mark Edwards, Staff Attorney, LCS
Michelle Jaschke, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Monday, September 29 — Pueblo of Jemez Resource Center**Welcome, Introduction and Invocation**

Senator Pinto welcomed the committee and members of the audience and asked committee members and guests to introduce themselves. Representative Madalena and Senator Shendo were asked to co-chair the meeting in acknowledgment of the committee convening in their native pueblo. Vincent Toya, tribal administrator, Pueblo of Jemez, delivered an invocation and welcomed members, guests and staff to the pueblo.

Status Update

Mr. Toya presented a brief update on the status of the pueblo and introduced Chamisa Radford, director, Planning and Development Department, Pueblo of Jemez. Ms. Radford described the proposed bypass to New Mexico Highway 4 to be located parallel to and east of the existing highway that now runs directly through the Pueblo of Jemez. Access for the existing road was appropriated without the pueblo's consent through an eminent domain condemnation in the 1930s that was later overturned by the New Mexico Supreme Court.

The pueblo has explored numerous means to fund the bypass to solve the many safety and flooding issues that the current route presents. Although the project is ready to move forward, no funds have been forthcoming. Pueblo officials asked for the committee's support for funding for the bypass.

Chris Toya, tribal historic preservation officer, Pueblo of Jemez, reported that the tribe now has its own tribal cultural preservation status designation from the National Park Service. The pueblo is working to document and preserve cultural and historic properties on the three noncontiguous land grants that constitute tribal lands. An anthropological survey and global positioning system mapping will be used to develop a database accessible to tribal and religious leaders. There is also a movement to establish an independent Jemez historic register.

Work is ongoing to properly steward ancestral lands, including a restoration of the historic plaza district. The pueblo wants to maintain the historic architectural value of homes in that area and has purchased an adobe maker to help in reconstructing the area with traditional materials. Vincent Toya asked for the committee's help in funding restoration activities. Committee members congratulated the pueblo on this new designation, which invests more power in the tribe to preserve and protect its cultural heritage.

Discussion ensued regarding water rights cases on native lands. Pueblo officials are frustrated by the failure to adjudicate water rights but recognize the difficulties presented by the scarcity of water resources. The pueblo is party to a joint letter to the state engineer requesting reentry into negotiations over water rights.

Pueblo officials also asked the committee to intervene with the Public Regulation Commission to assure a more equitable rate structure and payments from Jemez Mountain Electric Cooperative, Inc. Members requested that they be apprised of all developments regarding the bypass and options for electric service. Darryl Madalena, chair, Sandoval County Commission, offered to write letters of support from the county for the pueblo's objectives.

Native Outreach, Education and Enrollment in the New Mexico Health Insurance Exchange (NMHIX)

A team from Native American Professional Parent Resources, Inc. (NAPPR), presented an update on a Native American health care education and outreach project. Jane Z. Larson, chief executive officer (CEO), NAPPR, described the program's role as a navigator entity under the federal Patient Protection and Affordable Care Act (ACA). The presentation focused on the American Indian-specific provisions of the ACA and on NAPPR's efforts to create a "culture of coverage", encouraging Native Americans to enroll in affordable health care programs.

Roxane Spruce Bly, director of healthcare education and outreach, NAPPR, reported that in a little over a year, the program has overcome a number of challenges to recruit and train health care guides and outreach specialists in communities throughout the state. Distinct roles have been developed for the guides and specialists to facilitate expansion of Indian health systems. A measure of the program's success is that the Navajo Nation has recently consented to have NAPPR provide health insurance outreach, education and enrollment activities on the Navajo Nation.

Members observed that while the NMHIX has expended a lot of money on largely unsuccessful television recruitment ads, the success of NAPPR seems to rest with its personal outreach efforts. Ms. Bly reported that the program has worked with each community it serves to identify the best outreach methods for that area. It was further reported that services to the Navajo Nation have lagged behind other areas due to its late entry into the program and that services for Native American veterans remain a challenge.

Ms. Bly clarified that the ACA has permanently reauthorized the federal Indian Health Care Improvement Act. NAPPR's charge is to help people find coverage. The practical effect of NAPPR services is to stretch Indian Health Service (IHS) dollars. Many more people are now being served by the IHS and in fact are receiving higher levels of service. She acknowledged that coverage problems still exist, but with health insurance coverage available for some Native Americans for as little as 32 cents a month, there are unprecedented opportunities for affordable health care.

NAPPR reported that the program has made considerable progress in enrolling some of the most coverage-resistant groups, including Native American men. The program currently provides many of the services that the planned Native American health center will provide, but questions remain as to when and if such a center will materialize. Members discussed what the problems may be with finding guides and outreach specialists in the northeastern corner of the state, and they also discussed the confusion that private providers have created in trying to sell their insurance plans. NAPPR does not promote any one provider.

Ms. Bly requested help from the committee in including pediatric oral health benefits as a standard of care in health coverage and clarified that this would fall within the purview of the Office of Superintendent of Insurance. She noted that the Consumer Advisory Board has already met with the superintendent of insurance to start the process. Committee members thanked Ms. Larson for her many years of service as CEO of NAPPR, noting that her superlative efforts to assist Native American families and communities throughout the state will be missed as she moves on to other things. Representative Madalena thanked the NAPPR staff for a very informative presentation and invited NAPPR to seek help from the committee as it moves forward.

Supplemental Nutrition Assistance Program

Brent Earnest, deputy secretary, Human Services Department (HSD), presented an update on planned changes to the Supplemental Nutrition Assistance Program (SNAP) rules. The program provides assistance for the purchase of food to eligible low-income residents of New Mexico. Proposed changes to SNAP eligibility include mandatory employment and training requirements that will affect some 90,000 work registrants (adults on SNAP). Mr. Earnest outlined allowable work activities for the two categories of participants in the program (with and without dependents), allowable exemptions and limited waivers assigned to high unemployment areas.

Mr. Earnest asserted that the rule phases in removal of a temporary waiver of the work requirements and includes numerous exemptions. He stated that the changes promote work readiness and only apply to those who are physically able to meet the requirements. Committee members objected to the plan to use community service as a "work-like" experience, noting that it can severely tax the resources of those organizations supervising SNAP community service workers. Some members noted that there was no consultation with tribal entities regarding the proposed change. Members also observed that this appears to be a very significant change that will heavily affect low-income children and their ability to receive nutrition assistance. Another member noted that many state agencies have unfilled positions and raised questions as to how SNAP job-training services will be linked to available jobs.

Other members noted that the state is eligible for at least another year for a waiver of the work requirements due to high unemployment rates and that if such rates persist, the state may continue to qualify for a waiver. Discussion ensued regarding the roughly \$2 million contract awarded to out-of-state contractor SL Start to implement Temporary Assistance for Needy

Families and SNAP monitoring. Mr. Earnest reported that the HSD has not made any estimates of cost savings that might be realized as a result of the rule change. He reported that SL Start, a Washington-based company, will hire some 35 people to monitor the New Mexico program and that many of these workers are intended to be New Mexico residents.

Mr. Earnest did not have information on national caseload standards or what the actual caseload will be in New Mexico. Further questions arose regarding compliance with public review and comment requirements. One member asked that the HSD's review of the SNAP statute be forwarded to committee staff. The member also requested that the HSD send an overview of the expectations for SL Start's employees who will engage in the contracted regulatory activities with SNAP participants.

Members raised questions with regard to the monthly allotments for dependent care and transportation for SNAP participants occupied in work-requirement activities. Mr. Earnest clarified that adults with children under the age of six are exempt from the work requirements. One member questioned how services to the 60,000 people estimated to require skills training will be prioritized. It was noted that if these individuals are at high risk of removal from nutrition assistance, there is some urgency to their need and that it is important for policymakers to have a full picture of how services will be provided. Members questioned how regulatory decisions can be made without study to determine the economic impact on families as well as state agencies.

Discussion ensued regarding the absence of some previously reported statistics related to tribal populations in the new HSD report and the unique situations of the tribes with respect to the HSD rules. One member asked that a list of tribal entities affected by the work-requirement rules be sent to committee staff. Another member expressed frustration that the current administration has repeatedly ignored tribal concerns and called for more public input in the HSD process. Members also suggested that the HSD reevaluate reported unemployment rates in some areas.

A resolution from the All Pueblo Council of Governors (APCG) was presented. It states "that the APCG urges the State of New Mexico, to work collaboratively with all the Tribes of New Mexico, in the spirit and in accordance with the State Tribal Collaboration Act, in the current and future administration of SNAP to ensure adequate and meaningful consultation with Tribes before proposing changes to the SNAP program in New Mexico".

Dental Therapists

Pamela Blackwell, project director, Oral Health Access, Health Action New Mexico, reported on the efforts that have been made to refine aspects of the proposed Dental Therapist Licensure Act (DTLA) to assure safe, effective services to underserved populations in New Mexico. Ms. Blackwell observed that the proposed DTLA responds to past legislative recommendations and customizes the best of other states' efforts in the arena of dental therapy to

serve New Mexico. The DTLA has received the endorsement of the Legislative Health and Human Services Committee for the third year in a row.

Wide-ranging testimony from a panel of experts on dental health addressed members' concerns for client safety, the need for dental therapists and the interchange between dental therapists and dentists. One member asked if the New Mexico Dental Association (NMDA) had commented on the new proposal. Ms. Blackwell reported that, consistent with past experience, the NMDA has not responded to any calls. Members expressed support for the concepts presented but observed that they would have to defer endorsement until a copy of the proposed legislation was before them.

Public Comment

Several audience members spoke in support of the DTLA and urged the committee to endorse the legislation. Evelyn Lance Blanchard, M.W.S., Ph.D., Native Family Study Institute, also asked the committee for support to establish a Native American social work program at New Mexico Highlands University (NMHU). She observed that the Hispanic studies program at NMHU resulted from a legislative initiative and emphasized the need to study social work models for Native American communities. The co-chairs directed committee staff to work with Ms. Blanchard to draft proposed legislation.

Sovereign Hager, New Mexico Center on Law and Poverty, addressed the issue of SNAP requirements. She asserted that contrary to state and federal statutes, no consultation had taken place with tribal entities regarding the proposed rule change. Ms. Hager reported that a federal waiver is available to exempt the entire state from the proposed time limit for childless adults. The proposed time limit would limit such participants to three months of SNAP in three years unless participants work 20 hours a week. Further, she reported that the proposed employment and training requirements would heavily affect Native Americans, especially in areas with high unemployment, and that this program can be voluntary under federal law.

The committee recessed at 4:30 p.m.

Tuesday, September 30 — Pueblo of Zia Tribal Office

Welcome, Invocation and Status Update

Representative Jeff reconvened the meeting at 10:15 a.m. David Pino, governor, Pueblo of Zia, delivered the invocation and provided an update on the pueblo's needs. A new public safety building housing fire and police stations is the top priority. Governor Pino listed other needs that are now in the Infrastructure Capital Improvements Plan, including water lines, a youth center and tribal community center upgrades. He noted that bids will soon be solicited for a new two-story governor's facility.

Governor Pino recapitulated the pueblo's history and the pueblo's emergence over 1,000 years ago. The strongly traditional pueblo is seeking outside help for education and other

services. Keres is the native language at the Pueblo of Zia, and a Keres language curriculum is in development. Governor Pino observed that lack of funding is always the biggest problem for educational programs, and he lamented the loss of native language skills among the pueblo's young people. He stated that the tribal council is now intent on promoting native language development.

Ken Lucero, director of operations, Pueblo of Zia, spoke about the need to teach the Keres language to children at an early age and the pueblo's plan to develop a holistic child development center encompassing native and traditional educational methods. Governor Pino later pointed out the astronomical cost of education for pueblo youth, who generally must travel to other areas for higher education. Committee members encouraged the tribe to contact the Indian Affairs Department (IAD) for information on grants to support education. The pueblo, with around 880 tribal members, is using a variety of methods to try to raise money to send about 20 children to college.

Robert Medina, tribal counsel, Pueblo of Zia, addressed the issue of Indian water rights, noting the scarcity of water resources. While the pueblo has senior water rights, it is at the bottom of the water ladder. The pueblo now has to ration water to ranchers and farmers and then decide whether to irrigate or to water horses. Some tribal members who were farmers now have to travel to Albuquerque for work. He further noted that tribal boundaries imposed by Spain and, later, by the state, have left some of the tribe's sacred sites off of federally designated pueblo lands. The tribe views its boundaries in a different way.

Governor Pino reported that the pueblo has made significant progress in expending capital outlay funding available to the tribe. A breezeway and parking for the senior center have been installed, and improvements to two tribal society houses are in progress. The tribe is working with Sandoval County on emergency services needs and with the Aging and Long-Term Services Department on senior citizen needs. He stated that an additional \$35,000 in capital outlay funding is needed to complete towers to expand wireless service in the area.

Several members commented that they are committed to continuing to provide needed capital outlay funding to the pueblo. One member stated that until job growth turns around in the area, the state should not be "taking food off the table" with the proposed changes to SNAP. Members discussed the fact that the Pueblo of Zia will be exempted from the SNAP proposed rule changes initially but that other tribes will be affected.

Dental Therapist Licensure

A copy of the previously discussed DTLA was presented to members. Senator Shendo moved to endorse the proposed DTLA. Representative Madalena seconded the motion, and endorsement of the legislation passed with one member voting no.

Minutes of the Meeting of August 28-29, 2014

On a motion duly made and seconded, the minutes of the meeting of August 28-29, 2014 were approved and passed without objection.

Use of the Zia Sun Symbol

Mr. Medina informed the committee of the sun symbol's religious and cultural significance to the Pueblo of Zia and related the story of how the symbol had been taken without the tribe's permission. Eric Ruiz, lieutenant governor, Pueblo of Zia, told the committee that the people of the Pueblo of Zia thank the sun for coming up every morning. The Zia sun symbol is emblematic of the tribe's positive approach to life and holds other important and sacred associations for the people of the pueblo. Tribal officials object to the many inappropriate and offensive iterations of the sun symbol that are being used as marketing tools by nontribal entities. The tribe has granted permission to use the symbol to some organizations that have specifically and respectfully requested tribal authorization to do so.

Governor Pino presented a resolution from the National Congress of American Indians (NCAI) that recognizes the Pueblo of Zia's cultural property rights to the Zia sun symbol. The resolution was adopted at the 2014 mid-year session of the NCAI held in Anchorage, Alaska. Further, the resolution recognized the Pueblo of Zia's concerns that "the unauthorized, widespread and commercial use of the Zia Sun Symbol cheapens its religious and cultural meaning and disregards its origins".

Senator Padilla reviewed Senate Memorial 1 from the 2014 legislative session. It directs the Cultural Affairs Department (CAD) to prepare a report for the upcoming legislative session to delineate who has the right to use the Zia sun symbol and if there are any restrictions on how it may be used. Erin McSherry, general counsel, CAD, reported on legal issues affecting the Zia sun symbol's use.

Members discussed means of protecting the symbol as cultural property and heard the tribe's many concerns with regard to desecration and inappropriate use of the symbol. Mr. Medina noted that there is law that supports protection of the symbol. Ms. McSherry clarified that the tribe does not want to trademark the symbol for commerce. Many members expressed support for the idea that if a symbol originates with a tribe and is used religiously or culturally by that tribe, then it belongs to the tribe. Members and tribal officials also discussed the use of the Zia sun symbol in the state flag without the tribe's permission.

Senator Pinto moved to draft legislation to request permission from the Pueblo of Zia to use the Zia sun symbol in the state flag. Representative Powdrell-Culbert seconded the motion, and it passed without objection.

One member asserted that there is precedence for repatriation of sacred cultural items and that there should be further recourse for the tribe in this instance. The member stated that the

member would propose legislation to develop a new flag for New Mexico to correct the expropriation of the sun symbol.

Senator Shendo moved to amend the motion to request permission from the Pueblo of Zia to use the Zia sun symbol in the state flag to include acknowledgment of the Pueblo of Zia's ownership of the Zia sun symbol and to request that the Pueblo of Zia provide direction to the committee with regard to how it wishes the committee to proceed with proposed resolutions or legislation. Representative Madalena seconded the motion.

Some members objected to what they felt would be the costly processes involved in developing a new state flag and favored establishing a cooperative resolution with the Pueblo of Zia. Representative Powdrell-Culbert moved to table the amendment, and Senator Ryan seconded the motion. A roll-call vote was held on passage of the motion to table. The motion failed on a vote of six to two, with two abstaining. The committee returned to a roll-call vote on passage of the proposed amendment. The amendment passed on a vote of nine to one.

Governor Pino stated that the office of the tribal governor is not empowered to make decisions on behalf of the tribe. Decision-making authority will come from tribal medicine and consultations that will include the war chief and other tribal officials. The governor said that the tribe will inform the committee of its findings.

Appropriations and Capital Outlay in Indian Country

Arthur P. Allison, secretary, IAD, introduced the IAD's new chief financial officer, Marilu Casillas. He reported that the IAD has been asked to provide additional details to the committee regarding the tribal infrastructure funds (TIFs) and capital outlay projects administered by the IAD. Secretary Allison reported that because the TIFs operate on a reimbursement basis, it may appear that a project is not progressing because the IAD has not yet been billed. Sometimes, TIFs and capital outlay grantees do not have enough money of their own to cover start-up costs, and funding remains idle. He also observed that, in some instances, if federal matching funds are not available, funding may be held up for a couple of years.

Graham Knowles, tribal infrastructure manager, IAD, presented the TIFs funding priority list for 2014 and related information regarding the process for ranking projects under the planning, design and construction categories. Mr. Knowles provided information regarding the status of current TIFs, capital outlay and special projects administered by the IAD. He also outlined the TIFs Executive Order 2013-006 process, describing the executive order audit review that must be completed before projects can proceed, to establish intergovernmental agreements and project budgets.

Members expressed concern that tribes or chapters do not have the money necessary to start a project under the reimbursement process and suggested finding a new approach to project initiation. Committee members also asked whether or not the audit findings that are holding up the flow of funding are material findings or if they are internal control items that can be

addressed by the IAD with the grantees. Secretary Allison stated that almost all of the findings relate to capital assets inventory. Some findings relate to procurement issues and accounts payable.

Secretary Allison stated that the IAD is looking at terms and conditions for agreements with grantees. He observed that the IAD reviews the most recent single federal audit submitted to the federal audit clearinghouse to establish whether or not the tribal entity is compliant with the executive order requirements. The time line for filing such audits conflicts with the timely release of funding from the IAD. Mr. Knowles stated that the reversion date on TIFs is essentially compressed into a 24-month period because of the audit review and contract requirements. The secretary noted that Navajo Nation grantees with audit exceptions are now required to hire an outside certified public accounting firm to establish internal controls.

Kelly K. Zunie, deputy secretary, IAD, reported on the Tribal Tobacco Cessation and Prevention Program (TTCPP). She provided a list of fiscal year 2014 and fiscal year 2015 programs funded under the TTCPP. Ms. Zunie noted that special emphasis is given to prevention among Native American youth.

There being no further business, the committee recessed at 4:09 p.m.

Wednesday, October 1 — Pueblo of Cochiti Community Center

Reconvene

Senator Pinto reconvened the meeting at 10:09 a.m.

Welcome, Invocation and Status Update

Joseph H. Suina, Ph.D., governor, Pueblo of Cochiti, welcomed the committee members, staff and guests to the pueblo and delivered the invocation. The Pueblo of Cochiti is the farthest north Keres-speaking community. It has a local population of about 1,000, with some 300 to 400 tribal members living in other areas. Governor Suina noted that many tribal members commute to jobs in urban areas and that the pueblo has been consistently occupied for well over 800 years. The kiva and clan systems at the pueblo are intact, and the traditional calendar runs year-round.

Governor Suina observed that the tribal governor is selected for service by the tribe and that the responsibility is bestowed on everyone to help everyone understand the issues affecting the tribe from a personal point of view. Gubernatorial responsibilities include local affairs as well as coordination with local governments and the state. The governor related that Catholicism and native dances and customs are combined in an intimate and beautiful way in pueblo tradition and that Cochiti tribal members enjoy rich layers of culture.

Interest in returning to the pueblo to participate in pueblo traditions has revived. The pueblo has started a Montessori Keres language immersion program, free of state and federal

money, for children ages two through four. The program includes a parental-involvement component.

The governor noted that even "latecomers" to the area, with the exception of the community of Cochiti Lake, have been in the area for 300 years and that there is a rich interaction between Hispanic and Native American cultures. The nearby communities of the Pueblo of Santo Domingo, Peña Blanca, Sile and others are working together to meet the challenges of wildfires, flooding and other issues affecting rural residents. Members asked about reports of sewage seeping into ground water in the area. The governor stated that the pueblo is working with other agencies to solve that problem as well.

Regis Pecos, former governor, Pueblo of Cochiti, provided another layer of history with regard to mitigation of damage to natural and cultural resources resulting from the development of federal lands in the area. Mr. Pecos noted his many years of experience with state government in his capacity as chief of staff to the late Speaker of the House of Representatives Ben Lujan. He lamented the loss of many of the tribe's elder statesmen as well.

Mr. Pecos related some of the needs relative to the remarkable natural and cultural resources of the area. Access to the Kasha-Katuwe Tent Rocks National Monument runs for three miles across the reservation, presenting maintenance and security challenges. The monument, which is one of the natural wonders of the world, was established in 2001 and resulted in the Pueblo of Cochiti becoming one of the first tribes to enter into a federal-tribal agreement to protect cultural resources.

National forest lands and the boundary with the National Park Service's Bandelier National Monument lie to the north. Los Alamos National Laboratory and U.S. Department of Energy (DOE) facilities also bound pueblo lands. The Pueblo of Cochiti and three other pueblos are part of an agreement with the federal government to conduct ongoing air, water and soil quality monitoring as well as to facilitate ongoing mitigation of damage to such resources resulting from the DOE presence.

Mr. Pecos gave a brief history of the development of Cochiti Lake, one of the largest earthen-dam man-made lakes in the world. The construction phase took nearly 10,000 acres of land from the pueblo, for which the tribe received around \$12.00 an acre. Seepage from the dam initially destroyed all of the agricultural lands on the pueblo. Subsequent litigation resulted in a three-part settlement addressing damages, maintenance of the mitigation efforts and restoration. Settlement costs exceeded the initial cost of the lake.

The solution to the seepage was an underground system to adjust the water table and push water back into the ground, which Mr. Pecos described as a major scientific and hydrological accomplishment. One part of the three-part settlement is a 50-year trust fund to maintain that system. Now, halfway through that 50-year period, the pueblo is seeking to continue discussions to safeguard the maintenance system for the future.

Approximately 80 percent of the pueblo's agricultural lands have now been restored. During the lengthy course of litigation surrounding the dam seepage, a major socioeconomic experiment was implemented to look at private investment on pueblo land. Mr. Pecos stated that the pueblo was forced into an experiment to build a retirement community on pueblo lands that at the time required the concession of fully one-half of the tribal lands. The experiment required the pueblo to lease the land for 99 years and to allow a municipal form of government in the retirement development. Residents of the community do not really own their homes but, rather, have entered into the 99-year lease agreement.

The development company was ultimately bankrupted by a confluence of factors; however, the pueblo expended millions of dollars and an enormous amount of natural resources to try to mitigate its losses. The pueblo was successful in limiting the footprint of the retirement community to a small area of the pueblo, and the pueblo inherited the Cochiti Golf Club through the developer's bankruptcy proceedings. Cochiti Lake's lease agreement will expire in 2068, and the pueblo is now under tremendous pressure to extend the lease and is incurring ongoing legal expenses.

In summary, Mr. Pecos stated that the pueblo, motivated by its deep love of the land and concern for the future of the tribe, has devoted an enormous amount of time, energy and money to preservation and restoration of area resources. He thanked the legislators for their help and continuing support. He noted that the Pueblo de Cochiti Community Library is one of the first capital outlay projects approved by the legislature for a tribal entity and that many activities inclusive of surrounding communities are held at the commodious Cochiti facilities.

Fire, Flood Protection, Mitigation and Restoration Management; Tribal, State and Fiscal Challenges

Phoebe Suina, consulting engineer, High Water Mark, LLC, told the committee that many communities in addition to the Pueblo of Cochiti, including the Pueblos of Santo Domingo, San Ildefonso, Nambe, Jemez and others, were affected by fire and flood disasters over the past few years. Funding from the Federal Emergency Management Agency (FEMA) to address disaster needs has been flowing to the state, but the state has been extremely slow in releasing the funds. This delay has heavily affected low-income communities working on very small operating budgets. It has taken almost two years for the Homeland Security and Emergency Management Department (HSEMD) to reimburse the Pueblo of Cochiti for disaster-related expenses and then reportedly only as a result of coercive measures.

Everett Chavez, former governor, Pueblo of Santo Domingo, noted that three tripartite (federal, state and tribal) emergency declarations have been issued as a result of the devastation that began with the Las Conchas fire in 2011. That fire was followed by repeated flooding through the fire-devastated areas as well as a subsequent fire. He noted that the tribe is just now beginning to receive some of the FEMA money that was awarded to mediate the problems the pueblo is experiencing regarding flooded and now deteriorating housing (161 homes housing

some 300 families); serious damage to irrigation infrastructure on the east and west sides of the river (some 20 miles of infrastructure); damage to the network of 25 to 30 miles of unpaved roads; breached levees and berms; and the washout of the crossing at neighboring Sile.

The Pueblo of Santo Domingo homes affected are concentrated in the traditional tribal area and are of native construction. FEMA estimates of what will be required to correct the damage are in many instances far less than one-fourth of what the pueblo has determined the actual costs will be. Mr. Chavez and other panel members expressed concern that the existing FEMA framework does not include provisions to assess traditional architectural and construction materials and methods. He noted that disaster-remediation funding has been released by FEMA to the state but, again, has only recently begun to be released to the tribe. The apparent holdup is with the HSEMD. Further, he indicated that the serious safety concerns that have persisted for so long with regard to the compromised housing have now been complicated by time. For example, toxic mold and dangerous decay from repeated rains and flooding have resulted from the inability to repair the housing during the long delay.

Mr. Chavez told the committee that the Pueblos of Jemez, Cochiti and Santo Domingo have jointly appealed the FEMA award of roughly \$500,000 to mitigate damage to those 161 homes at the Pueblo of Santo Domingo. Local estimates to repair the damage range up to \$14 million. The affected families have reportedly lost faith in the tribal government's ability to help them with this issue. Mr. Chavez and other panel members reported that mobilization of the FEMA resources now requires legislative intervention. Josh Sanchez, a native of the Pueblo of Acoma and a field representative for U.S. Senator Tom Udall, reported that Senator Udall has worked to get the FEMA money to the state but that it is up to state representatives to see that the money is disbursed. Panel members reported that a meeting with FEMA is scheduled for next week.

Robert Apodaca, government consultant, Motiva Corporation, asked that the committee look at how the emergency funds are being handled by the HSEMD. He also requested that the legislature look at the state emergency fund that needs to be reauthorized and that the state consider how economic development efforts may be furthered by improving the flow of FEMA funds. Mr. Apodaca stated that the immediate need is to get funding flowing from the HSEMD.

Mr. Pecos suggested establishing funds to address the need to move from one phase of disaster assistance to another. He also noted that previous administrations had maintained a separate and fully funded line item for fire and flood mitigation. He advocated having two avenues to address crisis situations: (1) a fund to get disaster relief projects started; and (2) a fund to address mitigation needs directly. Mr. Pecos stated that phasing disaster relief could improve future mitigation efforts.

Merril Yazzie, transportation planner, Cochiti Department of Transportation, presented information on the washed-out culverts at Sile and the proposals for a Sile bridge. He showed graphic details of the damage from the Las Conchas fire and subsequent flooding affecting the

Peralta watershed and the "pinch point" of the watershed at Sile. Trees, rocks and other debris from the fire and flooding continue to plague efforts to improve and maintain the crossing.

Two different bridge proposals have been developed. The preferred proposal is a bridge with a full span of 90 feet and an estimated combined design and construction cost of around \$3 million. A twin-cell precast bridge has also been proposed at roughly half the cost but would still be subject to damage from the very large trees and other debris that continue to wash through the watershed. A resident of the community of Sile detailed the problems that the continuing washouts of the crossing present for transportation of schoolchildren, those in need of medical assistance and the general population in the area. Community and panel members requested that the committee assist in prioritizing funding for the full-span bridge.

Committee members toured the washed-out crossing at Sile, and the meeting was adjourned at 4:40 p.m.